

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

C. ROBERT ALLEN, III by LUKE ALLEN, as Guardian for
the Property Management of C. Robert Allen, III,

Plaintiff,

- against -

CHRISTOPHER DEVINE, *et al.*,

Defendants.

09-cv-0668

(ADS) (ETB)

DECLARATION OF ALEXANDRA WALD

CHRISTOPHER DEVINE, *et al.*,

Third-Party Plaintiffs,

- against —

LUKE ALLEN,

Third-Party Defendant.

I, Alexandra Wald, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

I am an attorney admitted to practice in the State of New York and am a member in good standing of the Bar of the United States District Court for the Eastern District of New York. I am a partner at the law firm of Cohen & Gresser LLP, with offices at 800 Third Avenue, 21st Floor, New York, NY 10022, which is counsel for Third-Party Defendant Luke Allen (“Luke”).

1. I submit this Declaration to place certain facts and documents before the Court in support of Luke's motion to dismiss the third-party complaint. Exhibits A, B, C, D and F hereto are cited and incorporated by reference in the third-party complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the Amended Complaint in this action.

3. Attached hereto as Exhibit B is a true and correct copy of the Answer and Counterclaim of defendant Christopher Devine (“Devine”) and certain LLC and corporate defendants in this action.

4. Attached hereto as Exhibit C is a true and correct copy of the Third Party Complaint against Luke in this action.

5. The named plaintiff in this action is C. Robert Allen, III (“Allen”) by Luke Allen as Guardian for his property management.

6. Luke Allen became Guardian for Allen when he was appointed by order of Hon. Joel K. Asarch in a guardianship proceeding in the Supreme Court of the State of New York, County of Nassau captioned *In the Matter of the Application of Grace A., as Petitioner, Pursuant to Article 81 of the Mental Hygiene Law for the Appointment of a Guardian for C. Robert A., III, an Alleged Incapacitated Person*, Index No. 28594-I-07 (the “Guardianship Proceeding”).

7. Attached hereto as Exhibit D, pursuant to an order of Justice Asarch requiring its filing under seal (docket number 124-26 in this case), is a decision and order dated March 27, 2008 that Justice Asarch issued in the Guardianship Proceeding, which granted a preliminary injunction against non-party Christopher Devine (“Devine”).

8. Attached hereto as Exhibit E is the suggestion of death upon the record dated March 17, 2011 that my firm filed in this action in connection with Allen’s death.

9. There has not yet been a substitution for Allen in this action.

10. Attached hereto as Exhibit F is a letter dated January 9, 2006 that is referenced in the third-party complaint as well as in Devine’s counterclaims.

I declare under penalty of perjury that the foregoing is true and correct.



ALEXANDRA WALD (AW 0225)

Executed on May 2, 2011.